vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1558 OF 2001
IN
SUMMARY SUIT NO.1923 OF 2001

M/s.Rahul Hire Purchase Co. ... Plaintiff

V/s.

Vilas Sakharam Darekar ... Defendant

A/W
NOTICE OF MOTION NO.2295 OF 2005
IN
SUMMARY SUIT NO.1923 OF 2001

M/s.Rahul Hire Purchase Co. ... Plaintiff

V/s.

Vilas Sakharam Darekar ... Defendant

Mr.Vijendra i/b Gabriel Pillai for Plaintiff
None for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 18, 2006**

P.C.:

. At the ad-interim stage, the Plaintiff was granted an injunction in terms of prayer clause (a). Prayer clause (a) reads thus:

> (a) that pending the hearing and final disposal of the above Suit, this Hon'ble Court be pleased to attach the property belonging to Defendant being residential premises situated at Flat No.1, Sai Prasad Building, Plot NO.63, Sector 14, Jui Nagar, Vashi, Navi Mumbai 400 703 and business premises situated at F-77/78, A.P.M.c. Market, Fruit Section, Turbhe, Vashi, Navi Mumbai 400 703, before Judgment under Order XXXVIII Rule 5 of C.P.C. 1908.

2. Today when the matter appeared on Board, nobody appears for the Defendant, though there is a reply filed

by it. The plaintiff today seeks confirmation of the ad-interim relief granted to the Plaintiff to the extent that the injunction should continue in respect of the residential premises only and not the business premises. The plaintiff is, therefore, seeking that there should be no injunction against the defendant in respect of the business premises situate at F-77/78, A.P.M.C. Market, Fruit Section, Turbhe, Vashi, Navi Mumba-400703.

3. Heard Counsel for the Plaintiff.

4. The ad-interim order is confirmed to the following extent:

> "Pending the hearing and final disposal of the Suit, the attachment of the property in the residential premises, namely, Flat No.1, Sai Prasad Building, Plot NO.63, Sector 14, Jui Nagar, Vashi, Navi Mumbai 400 703, to continue"

5. In view of the above, the learned Counsel for the Plaintiff seeks to withdraw Notice of Motion No.2295 of 2005. Motion is accordingly allowed to be withdrawn and dismissed as such.